

## **Assembly Bill No. 2028**

### **CHAPTER 437**

An act to add Section 1031.2 to the Government Code, relating to peace officers.

[Approved by Governor September 27, 2008. Filed with  
Secretary of State September 27, 2008.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2028, Solorio. Peace officers: hiring.

Existing law requires peace officers to meet specified minimum standards, including being of good moral character, as determined by a thorough background investigation.

Under the Fair Employment and Housing Act, an employer may require a medical or psychological examination or make a medical or psychological inquiry of a job applicant after an employment offer has been made but before the commencement of employment duties, provided that the examination or inquiry is job related and consistent with business necessity and that all entering employees in the same job classification are subject to the same examination or inquiry.

This bill would provide that the collection of nonmedical and nonpsychological information, in accordance with a thorough background investigation required of all peace officers, may be deferred until after a conditional offer of employment is issued if the employer can demonstrate that the nonmedical and nonpsychological information could not reasonably have been collected prior to issuing the employment offer.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1031.2 is added to the Government Code, to read:

1031.2. Consistent with the Americans with Disabilities Act of 1990 (Public Law 101-336) and paragraph (3) of subdivision (e) of Section 12940, the collection of nonmedical or nonpsychological information of peace officers, in accordance with a thorough background investigation, as required by subdivision (d) of Section 1031, may be deferred until after a conditional offer of employment is issued if the employer can demonstrate that the information could not reasonably have been collected prior to the offer.

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